

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 JOSEPH D. ANDERSON,
5 Petitioner

6 v.

7 DWIGHT NEVEN, *et al.*,
8 Respondents
9

Case No. 2:14-cv-02015-JAD-VCF

**Order Denying Emergency Petition for
Writ of Mandamus**

[ECF No. 44]

10
11 On September 26, 2018, Petitioner Joseph D. Anderson filed a pleading styled as an
12 “Emergency Petition for Writ of Mandamus,”¹ in which he asks the court to enforce its prior
13 orders that he be released from custody by September 20, 2018, unless the State filed, on or
14 before that date, a written notice of election to try him on the felony DUI charge contained in the
15 information filed in the Fifth Judicial District Court for Nevada on June 21, 2012, in case number
16 CR7190.² The State did file its notice of election on September 20, 2018, with a certificate of
17 service attached indicating service on the petitioner by mail that same day. Anderson appears to
18 have prepared his “emergency petition” on September 23 (a Sunday) and mailed it to the court
19 for filing the following day. The court suspects that Anderson had yet to receive the State’s
20 notice of election when he filed his request for emergency relief. In any case, the State has thus
21 far complied with the court’s orders granting petitioner conditional habeas relief.

22 IT IS THEREFORE ORDERED that petitioner’s “Emergency Petition for Writ of
23 Mandamus” [ECF No. 44] is **DENIED**.

24 Dated: October 1, 2018

25 
26 U.S. District Judge Jennifer A. Dorsey

27
28 ¹ ECF No. 44

² ECF Nos. 21/32/42.